

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JOHNNY BATES and  
PATRICIA MIDDLETON BATES,

Plaintiffs,

v.

MICHELIN NORTH AMERICA, INC.,

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

CIVIL ACTION FILE

NO. 1-09-CV-03280-AT

**PLAINTIFFS' MOTION TO EXCLUDE THE  
EXPERT TESTIMONY OF CHARLES PATRICK**

Plaintiffs move to exclude the expert testimony of Charles Patrick pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Plaintiffs are contemporaneously filing a memorandum in support of this motion under seal, which details the legal and factual bases in support.

Respectfully submitted, this 1<sup>st</sup> day of September, 2011.

s/ Leigh Martin May  
\_\_\_\_\_  
GEORGE W. FRYHOFFER III  
Georgia Bar No. 279110  
LEIGH MARTIN MAY  
Georgia Bar No. 473389  
J.E. BUTLER III

Georgia Bar No. 116955  
Attorneys for Plaintiffs  
Butler, Wooten & Fryhofer, LLP  
2719 Buford Highway  
Atlanta, Georgia 30324  
(404) 321-1700  
E-mail: [george@butlerwooten.com](mailto:george@butlerwooten.com)  
E-mail: [leigh@butlerwooten.com](mailto:leigh@butlerwooten.com)  
E-mail: [jeb@butlerwooten.com](mailto:jeb@butlerwooten.com)

s/ Gary M. Shapiro  
GARY M. SHAPIRO  
Georgia Bar No. 637794  
Attorney for Plaintiffs  
Law Offices of Gary M. Shapiro  
400 Galleria Parkway, Suite 1500-20  
Atlanta, Georgia 30339  
(770) 817-1444  
E-mail: [shapirolaw@aol.com](mailto:shapirolaw@aol.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on September 1, 2011, I electronically filed  
PLAINTIFFS' MOTION TO EXCLUDE THE EXPERT TESTIMONY OF  
CHARLES PATRICK with the Clerk of the Court using the CM/ECF system  
which will automatically send email notification of such filing to the following  
attorneys of record:

Robert P. Monyak, Esq.  
Bonnie M. Lassiter, Esq.  
Peters & Monyak, LLP  
One Atlanta Plaza, Suite 2275  
950 East Paces Ferry Road NE  
Atlanta, GA 30326

Richard K. Hines, V, Esq.  
Elizabeth C. Helm, Esq.  
Nelson Mullins  
Atlantic Station  
201 17th Street NW, Suite 1700  
Atlanta, GA 30363

Susan A. Cahoon, Esq.  
Kilpatrick Townsend & Stockton LLP  
1100 Peachtree Street NE, Suite 2800  
Atlanta, GA 30309

This 1<sup>st</sup> day of September, 2011.

s/ Leigh Martin May \_\_\_\_\_  
GEORGE W. FRYHOFFER III  
Georgia Bar No. 279110  
LEIGH MARTIN MAY  
Georgia Bar No. 473389  
J.E. BUTLER III  
Georgia Bar No. 116955

Butler, Wooten & Fryhofer, LLP  
2719 Buford Highway

Atlanta, Georgia 30324

(404) 321-1700

E-mail: [george@butlerwooten.com](mailto:george@butlerwooten.com)

E-mail: [leigh@butlerwooten.com](mailto:leigh@butlerwooten.com)

E-mail: [jeb@butlerwooten.com](mailto:jeb@butlerwooten.com)